THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.16817 OF 2005.

DATED: 08-08-2005.

Between

1.Telangana Class IV employees

Central Association, Hyderabad

Rep. By its President K.Gangadhar

And another.

....Petitioners

And

Mandal Executive Magistrate

And Mandal Revenue Officer,

Adilabad.

....Respondent

ORDER

The order assailed in this writ petition is passed under Sec. 145 of the Code of Criminal Procedure by the respondent herein authorizing the Mandal Revenue Inspector – I to take possession of the Union Building along with mulgies of Class IV Employees, into Government custody under cover of panchanama and to collect the profits of such property and deposit in the form of demand draft in favour of the respondent, until further orders and posted the case for hearing on 29-7-2005 at the respondent's office. The impugned order further ordains both the parties to submit their documentary evidence and other papers, if any with them, in support of their claims and objections.

As can be seen from the order impugned herein, it came to be passed on the complaint by the Class IV Employees of Adilabad against the President Mr.K.Gangadhar, alleging misuse of official powers in terms of Union Bye-Laws and since the dispute was likely to cause breach of peace and tranquility in respect of the concerned building and mulgies.

Evidently, the case stood posted to 29-7-2005 before the respondent. It is not known as to how the case proceeded with before the respondent on the said date, for consideration of this court. Evidently, pending enquiry, the impugned order was passed so as to maintain peace and tranquility in the locality. This apart, if the petitioners feel that the order impugned was not passed in consonance with the procedure contemplated under Sec. 145 of the Code, they are at liberty to appeal to the Revenue Divisional Officer to initiate proceedings to quash the same under Section 482 of the Code. The petitioner cannot invoke extraordinary jurisdiction of this court under Article 226 of the Constitution of India. Consequently, the petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J

August 8, 2005.

Hsd/Mas